

**The Bronx  
Defenders**

**Redefining  
public  
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**VIA ECF**

Hon. Analisa Torres  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, NY 10007-1312

Re: *Rosario v. Decker*, 21-cv-4815-AT

Dear Judge Torres,

I represent Petitioner Mr. Victor Rosario in his petition for a writ of habeas corpus filed on May 30, 2021, and currently pending before this Court. We respectfully move the Court to grant leave to file an additional exhibit in support of the petition under seal, a psychological evaluation of Mr. Rosario. Counsel for Respondents, Michael Byars of the United States Attorney's Office, does not object to the filing of the psychological evaluation under seal.

There is good cause to grant leave to file this exhibit under seal. It contains eight pages of highly sensitive personal and medical information in narrative form about Mr. Rosario from Dr. Lucia Lezama Tannenbaum, Ph.D., a clinical psychologist, as well as his mental health diagnoses and treatment recommendations. This Court recognizes "medical records" as well as "treatment and diagnosis" as categories of information that should be considered for redaction. ECF Rules & Instructions 21.4 (Feb. 1, 2021 Edition). Your Honor's Rules also reflect that these categories of sensitive information may be appropriate for sealing.<sup>1</sup> While the habeas petition itself discloses only the ultimate medical diagnoses, this evaluation covers in detail the information relevant to his psychological assessment and ultimate diagnoses, such that the exhibit should be filed under seal and shielded from public view.

Thank you for your consideration of this submission.

Respectfully submitted,

/s/ Zoe Levine

Zoe Levine  
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GRANTED. Petitioner's privacy interest in his medical information outweighs the public right of access to judicial documents.

SO ORDERED.

Dated: June 10, 2021  
New York, New York

  
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ANALISA TORRES  
United States District Judge